

**Town of Montreat
Board of Commissioners
Town Council Meeting
February 11, 2016
Walkup Building**

Board members present: Mayor Tim Helms
Mayor Pro Tem Kitty Fouche
Commissioner Mary Standaert
Commissioner Ann Vinson
Commissioner Bill Gilliland
Commissioner Kent Otto

Board members absent: None

Town staff present: Ron Nalley, Town Administrator
Stefan Stackhouse, Finance Officer & Deputy Town Clerk
Steve Freeman, Public Works Director
Barry Creasman, Senior Water Operator
Chief Jack Staggs, Chief of Police
Angie Murphy, Town Clerk
David Currie, Code Administrator/Building Inspector

Approximately 32 members of the public were also present. Mayor Helms called the meeting to order at 7:00 p.m., led the group in reciting the Pledge of Allegiance, and held a moment of silence.

Agenda Approval

Mayor Helms advised the Council that the Minutes in this evening's packet were incorrect and to refer to the copy of the Minutes found in the packet for February 4th, in which a section of the minutes were revised at the Council's request. Commissioner Standaert moved to adopt the agenda as presented. Commissioner Vinson seconded and the motion carried 5/0.

Public Hearings

Proposed Revisions to Montreat General Ordinance, Chapter K, Article IV-Hillside Development

Mayor Helms opened the public hearing for comments and requested that Mr. Currie give a summary of the proposed revisions. Mr. Currie stated that at the 2015 Annual Board Retreat, the Board asked staff to have the Planning and Zoning Commission review the required setbacks listed for various zoning districts. During development of the Comprehensive Plan in 2006-2007, there was mention of modifying building setbacks in the front and rear yards based upon steeply-sloping conditions of some lots, as well as the suggestion of increasing front yard setbacks for properties under development within the Assembly Drive Corridor to maintain visual consistency. In keeping with the guidance of the Comprehensive Plan, the Hillside Development Ordinance does include provisions for administratively reducing the front yard

setback of smaller lots within steeply sloping areas by as much as 50% for the associated zoning district. At their November meeting, the Planning & Zoning Committee reviewed various setback provisions in the developmental ordinances and submitted the recommendation presented tonight.

Mr. Wade Burns, 232 North Carolina Terrace, stated that the limits on impervious and disturbed areas in the Hillside Development Ordinance may cause a loss of practical use of the property. While Mr. Burns feels that the proposed revision is a good step, he feels that the Ordinance needs to be evaluated to create a fairer environment for property owners. There being no further public comments, Mayor Helms closed the public hearing.

Proposed Revisions to Montreat Zoning Ordinance, Article VI-General Provisions

Mayor Helms opened the public hearing for comments and requested that Mr. Currie give a summary of the proposed revisions. Mr. Currie stated that the Federal Fair Housing Act requires that municipalities make reasonable accommodations in their development and zoning codes to provide persons with disabilities the option of using their properties in the same way as people with non-disabilities. The Montreat Zoning Ordinance does provide some accommodation that allows persons with disabilities to request modification of the zoning setback(s), enabling construction of accessibility features. This change occurred in 2013 in response to a renewed awareness of specific requirements under the Federal Fair Housing Act (FFHA). Earlier this year, a case came before the Board of Adjustment that questioned whether the Town had gone far enough. A property owner requested a variance to allow additional square footage to an existing bathroom for increased accessibility. After reviewing the variance request and other case law for similar situations, staff decided that a variance procedure and the associated findings is not well-suited to consider modifying provisions of the zoning ordinance under the FFHA. It is Staff's belief that a Conditional Use approval process or a similar approach better addresses the need to provide reasonable accommodation, since a variance is tied to particular physical aspects of the property irrespective of the applicant's condition.

There being no public comments, Mayor Helms closed the public hearing.

Mayor's Communications

- Mayor Helms stated that beginning in March a public forum will begin at 6:30 p.m. in which the public is encouraged to ask the Board any questions they may have. This public forum will be held on the first Thursday of every month with the Agenda Meeting following at 7:00 p.m. The question and response session is a way to keep the lines of communication open between the Board and the public.
- Mayor Helms announced that he issued a Proclamation in support of the 2016 Women in Construction Week which occurs annually during the second week of March.

- Mayor Helms read a letter from the President of the Arbor Day Foundation announcing that Montreat had earned the recognition of a 2015 Tree City USA. Mayor Helms expressed his gratitude to those instrumental in helping Montreat attain this certification and said that there will be a more formal recognition at the April Town Council Meeting.
- Mayor Helms informed those in attendance that at the March 3rd public forum the topic to be discussed will be to revisit options pertaining to the Texas Road Bridge Project. KCI Engineering will be in attendance to make a presentation on the project options.
- Mayor Helms expressed his gratitude to the Public Works Department for their efforts during the snow storm.

Consent Agenda Review

With the adoption of the Consent Agenda, the Board approved the following items:

- January 7, 2016 Agenda Meeting Minutes
- January 14, 2016 Town Council Meeting Minutes as amended
- Re-appointed Philip Arnold to the Audit Committee for a term of four years to expire on January 31, 2020

Town Administrator's Communications

- Mr. Nalley reminded the public that there is another open seat on the Audit Committee and applications can be dropped off at the Town Services Building.
- Mr. Nalley expressed his appreciation to the Public Works and Police Departments during the snow storm and thanked the Dimmock/Campbell families for their hospitality.
- Mr. Nalley thanked the group who provided Town Employees with the Valentine's Day meal.
- Mr. Nalley thanked the Council for their work at the Annual Board Retreat.

Administrative Reports

Police: Chief Staggs reviewed and presented the January 2016 monthly departmental activity report. Chief Staggs expressed his gratitude to the Public Works Department for all of their assistance during the snow storm. The Department assisted with seventeen rescues and escorts and assisted with fallen trees and road closures. The Police Department received several letters of gratitude from people in the community.

Public Works Director:

- Mr. Freeman reported that an inch of snow is needed on the ground before plowing becomes effective. The Department's first priority is to get one lane open to give emergency personnel access to all homes. Following that, they go back and work on opening another lane. The crews monitor police and fire radios in case an ambulance or fire truck requires access. There is a limited amount of sand and only one sander, so

sanding is reserved for steeper roads, intersections and bridges. Salt is only used sparingly because of its effect on the natural environment. Public Work Crews worked twelve hour shifts, laid down 24 tons of sand and put in over 175 hours in overtime during the weekend event.

- Montreat College contacted Mr. Freeman and Mr. Currie about a wet weather spring on Missouri Road. A contractor, who had previously done work for the College in that area, was asked to dig back into the area and it was discovered that a drain system had been cut which was causing the problem. The drain was repaired and has resolved the issue.

Finance Officer: Mr. Stackhouse presented and reviewed the following monthly reports:

- December 2015 Financial Summary Report;
- Final December 2015 Detailed Financial Statement;
- Preliminary January 2016 Detailed Financial Statement;
- January 31, 2016 Cash and investment Earnings Report

Building Inspector/Code Administrator: Mr. Currie presented and reviewed his January 2016 zoning and inspections activity report.

Public Comments

Mayor Helms reiterated that this Public Comment period was intended for remarks pertaining to items listed on the meeting agenda, including staff reports and communications.

There were no comments from the public at this time.

Old Business

A. Montreat General Ordinance, Chapter K, Article IV-Hillside Development:

Commissioner Standaert moved to adopt Ordinance #16-02-0001 amending Montreat General Ordinance, Chapter K, Article IV-Hillside Development. Commissioner Ann Vinson seconded and the motion carried 5/0.

B. Montreat Zoning Ordinance, Article VI-General Provisions:

Commissioner Vinson moved to adopt Ordinance #16-02-0002 amending Montreat Zoning Ordinance, Article VI- General Provisions. Mayor Pro Tem Fouche seconded. Commissioner Standaert asked Mr. Currie to share the names of the Planning & Zoning Committee so they could be acknowledged and thanked for all their hard work. Mayor Helms asked for those in attendance to stand and be recognized. There being no further discussion, the motion carried 5/0.

New Business

A. Lookout Road Area-Preliminary Utility Service Plan:

In April 2015, the Board of Commissioners agreed to complete a utility service plan for the Oklahoma Road and Lookout Road area. At that time, McGill Associates submitted a proposal in the amount of \$8,500 for conceptual planning and budget estimating to extend public utilities and street improvements to this area. It is anticipated that these extensions would be undertaken as phased public assessment projects, similar to those in the Upper Kentucky Road area. Town Ordinances currently allow for three options when utility extension are requested: (1) petitioners can pay for their own improvements, (2) a phased assessment approach, which means that the petitioners who get direct benefit from the improvements will pay for the improvements, or (3) petitioners can wait for the Town to pay for the improvements through the Capital Improvements Plan.

Commissioner Vinson moved to approve a contract for preliminary utility service engineering and planning with McGill Associates in the amount of \$8,500 and to authorize the Mayor and Town Administrator to execute the necessary contract documents. Mayor Pro Tem Fouche seconded.

Commissioner Gilliland asked for further explanation from Mr. Nalley on this proposal with regards to spending the money now rather than later. Mr. Nalley explained that a plan like this can normally take six months to a year to complete. Current Ordinances do not allow for private wells or septic systems so it would be better to have a plan in place if someone were to come forward requesting public water and sewer extensions. Mr. Nalley stated that upon completion, McGill Associates would provide a map, showing where the phased extensions of water, sewer and roads would likely occur and the costs associated with each of those phases.

Commissioner Standaert asked if this vote could be delayed until the next Council meeting to allow more time for public comment. Commissioner Standaert expressed her concern that this may generate more traffic on Oklahoma and Lookout Roads and she has heard a lot about traffic concerns in that area over the past few years. Commissioner Standaert discussed previous tensions between those that want to build and develop the Town and those that want to preserve the Wilderness, so she wants ample time for opinions to be voiced on this matter.

Based on Commissioner Standaert's comments Commissioner Vinson withdrew her motion. Mayor Helms stated that this topic will be brought back to the Council in March for further consideration.

B. 2016-2021 Capital Improvement Plan:

Mayor Pro Tem Kitty Fouche called for a Public Hearing on March 10, 2016 at 7:00 p.m. or as soon thereafter as possible to discuss the proposed 2016-2021 Capital Improvements Plan. Commissioner Vinson seconded and the motion carried 5/0.

C. Street Name Request-Covenant Lane:

Commissioner Vinson moved to approve Covenant Lane as the street name for the street extension of Upper Kentucky Road. Commissioner Gilliland seconded and the motion carried 5/0.

Public Comments-Other Topics

Mayor Helms reiterated that the Public Comment period were for remarks pertaining to public business items not listed on the meeting agenda, including any reports or communications from other community entities.

Tanner Pickett, representing the Montreat Conference Center, presented a check to the Town in the amount of \$4,795.20 as part of the Community Service Fee.

Alex Miller, Vice President for Advancement for Montreat College, reported on record enrollments at Montreat College as well as renovations and upgrades to the College facilities.

Rev. Erskine Clarke of 558 Providence Terrace, felt that in the most recent election the people of Montreat showed a successful exercise in democracy and fulfilled their civic duty.

Bill Seaman of 425 Appalachian Way, announced that there was an unexpected resignation from Montreat Landcare and asked the Board for help in filling the vacancy.

Eric Nichols of 527 Suwannee Drive, looks forward to everyone working together for the common good. Mr. Nichols stated that if Council entertains ideas of paying legal costs for the Plaintiffs in the lawsuit it will be unfortunate for all involved.

John Hinkle of 121 Mecklenburg Circle, addressed the representative from Montreat College, thanking the college students that helped shovel driveways during the recent snow storm. Mr. Hinkle recommended that the College compile a list of young men and women willing to assist with shoveling for future weather incidents.

Shannon Ingersoll of 124 Eastminster Terrace, expressed her appreciation for the College students who spent several hours shoveling driveways along her road.

Commissioner Communications

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Mayor Pro Tem Fouche reiterated that the Board was going to strive for more open communication with the public and provide more opportunities this summer for public forums.

Commissioner Vinson, speaking on behalf of the Audit Committee, reported that they have an open seat and applications can be found online. The Audit Committee hopes to meet in March or April so they can consider finalizing a request for qualifications for potential auditing firms.

Commissioner Vinson, speaking on behalf of Montreat Landcare, reported that they also had an unexpected resignation and an application and information is available online. Montreat Landcare is preparing for the Native Plant Sale which will be held on April 30, 2016. The Committee is looking for volunteers. Commissioner Vinson also announced that the Tree Board's Organizational Meeting will be held on February 23rd at 3:00 p.m. at the Town Service Building.

Mayor Helms invited anyone who would like to meet with him to please contact him.

Upcoming Meeting Dates

Mayor Helms reviewed the following list of upcoming meeting dates and deadlines:

<u>Montreat Tree Board</u>	February 23, 2016, 3:00 p.m. Town Services Office
<u>Agenda Items Due</u>	February 26, 2016 by 5:00 p.m. Town Services Office
<u>Agenda Packets Available</u>	March 1, 2016 Town Services Office
<u>Montreat Landcare</u>	March 2, 2016, 9:00 a.m. Kirk Allen Building Swannanoa Room
<u>March Agenda Meeting</u>	March 3, 2016, 7:00 p.m. Public Forum will begin at 6:30 p.m. Walkup Building
<u>March Town Council Meeting</u>	March 10, 2016, 7:00 p.m. Walkup Building

Closed Session

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Commissioner Vinson moved to enter into Closed Session in accordance with North Carolina General Statute §143-318.11(3) for attorney consultation regarding the Civil Action: Carolyn Zoe Crowder, John L. Currie, Nancy B. Thomas, Henry W. Darden, Jr., and wife, Carolyn V. Darden, Plaintiffs, versus the Town of Montreat, Defendant. Commissioner Fouche seconded and the motion carried 5/0.

Upon a motion by Commissioner Vinson and a second by Commissioner Otto with the motion carrying 5/0, the Board returned to Open Session. No action was taken during the Closed Session.

Adjournment

Upon returning to open session, Commissioner Vinson moved to adjourn the meeting. Commissioner Gilliland seconded. The meeting was adjourned at 9:42 p.m.

Tim Helms, Mayor

Angela Murphy, Town Clerk